

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83032 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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BHOLA RAI Son of Late Basudeo Rai Resident of Village - Motipur (Mahna Road), P.S.- Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Narayan Singh, Adv.
For the Opposite Party/s : Mr.Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-01-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in **Kanti P. S. Case No. 20 of 2019** instituted for the offence under Section(s) 30(a), 41, 44 and 45 of the Bihar Prohibition and Excise Act, 2016.

1246.68 liters of prohibited liquor is said to have been recovered from the house of one Pankaj Chaudhary. The petitioner's implication is on the basis of disclosure of his name in a discussion between the accused persons who are apprehended at the spot.

It is submitted by the petitioner's counsel that he has been roped in the instant case on account of his criminal antecedents. There is neither any recovery from petitioner nor he has been



apprehended at the place of alleged occurrence. At best, the petitioner's name has been heard in discussion at the place of occurrence and on such allegation in the instant case, he is in custody since 03.08.2019. It is also submitted that other accused persons, namely, Balinder Singh @ Balendar Singh @ Sujeet Kumar and Surendra Chaudhary @ Surendra Chaudhary Ahmad @ Surendra Chaudhury have been allowed bail in Cr. Misc. No. 17973 of 2019 and co-accused, namely, Pankay Chudhary @ Pankaj Kumar from whose house alleged recovery has been made has also been allowed bail in Cr. Misc. no. 27158 of 2019.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **Special Judge (Excise) Act Muzaffarpur**, in connection with **Kanti P. S. Case No. 20 of 2019**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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